

REMARKS

The Applicants would like to thank the Examiner for the telephonic conference call interview on February 11, 2004, concerning the subject Application. Claim 25, has been amended to exclude pesticides. The Applicants respectfully submit that Claim 25 was amended in the Response to the last Office Action and to include the limitations of Claims 28, 30 and 31 that were objected to but would have been allowed if written in independent form and including all of the limitations of Claim 25. Accordingly, Claim 25 was expected to have been allowable. The Examiner has now found additional art which he believes anticipates Claim 25. Claim 25 has been amended again to overcome the Examiner's rejection.

The Applicants also respectfully submit that the Examiner in his last Office Action has rejected claims that were previously allowed as being rejected for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Such rejections were previously made and were responded to by the Applicants in their Response dated July 9, 2002. It appears to the Applicants that for some reason the Examiner has no intention to ever allow this patent application to issue.

The rejection of Claims 25 – 27, 29, 30 and 32 as being rejected under 35 USC 112, first paragraph, while being enabling for pesticides, foam stabilizers, foam thickeners, and plant growth regulators specifically disclosed in specification does not reasonably provide enablement for other pesticides, stabilizers, thickeners and growth regulators is respectfully traversed.

The Applicants submit that the application does provide enough information that one skilled in the art would be able to make and use the invention commensurate in scope of the claims. Indeed, the claims are written in light of the applications and those elements claimed and their equivalents are used to interpret the claims. Accordingly, the claims are enabling to those skilled in the art. Accordingly the claims should be allowable.

The rejection of Claims 33, 36 – 41 under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the method wherein the vegetable oil, emulsifier, foaming agent, foam stabilizer, growth regulator, and pesticides are specifically according to the specification, does not reasonably provide enablement for a method comprising all other vegetable oils, emulsifiers, foaming agents, foam stabilizers, growth regulators and pesticides is respectfully traversed.

The Applicants respectfully submits that Claims 33, 36- 41 were previously **ALLOWED** and now the Examiner has decided to raise a new line of rejections. The Applicants respectfully submit that one skilled in the art, reading the specification, and with little if any experimentation would be able to practice the claimed invention. The Applicants submit that the Examiner has not given any examples of demonstration as how a competent person skilled in the art would not be able, with the help of the specification to use the method of the claimed invention. Accordingly, Claims 33, 36 – 41 should be allowable.

The rejection of Claims 25 – 27, 29, 30, 32, 35, 46 and 47 as being rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention is respectfully traversed.

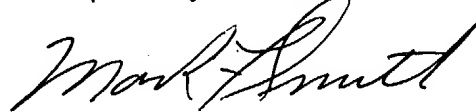
The Applicants respectfully submit that the language submitted was discussed with the

Examiner and he was the one who suggested such language. Now it appears that Examiner is questioning his own language. The Applicants also wish to point out that pages 3-5 and 10 – 14 of the specification supports such claim language. Claim 47 has been amended to overcome the rejection of an insufficient antecedent basis. Accordingly, the Applicants respectfully submit that the claims should be allowable.

The rejection of Claim 25 as being anticipated by JP 610204105 is respectfully traversed. The Applicants respectfully submit that the rejection is based only on an abstract and the Applicants are unable to review the entire cited reference. In addition, the abstract is very broad teaching compositions having amounts of 0.1 – 99.0% by weight of components and would not be enabling. However, in view of the discussion with the Examiner, Claim 25, which contains all of the limitations of previously allowed claims, has been amended to overcome the Examiner's concerns. Accordingly, Claim 25 should now be allowable again.

In view of the foregoing remarks, it is respectfully submitted that all of the Claims now pending are allowable over the art of record. Reconsideration of all claims now in this application is respectfully requested.

Respectfully submitted,



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